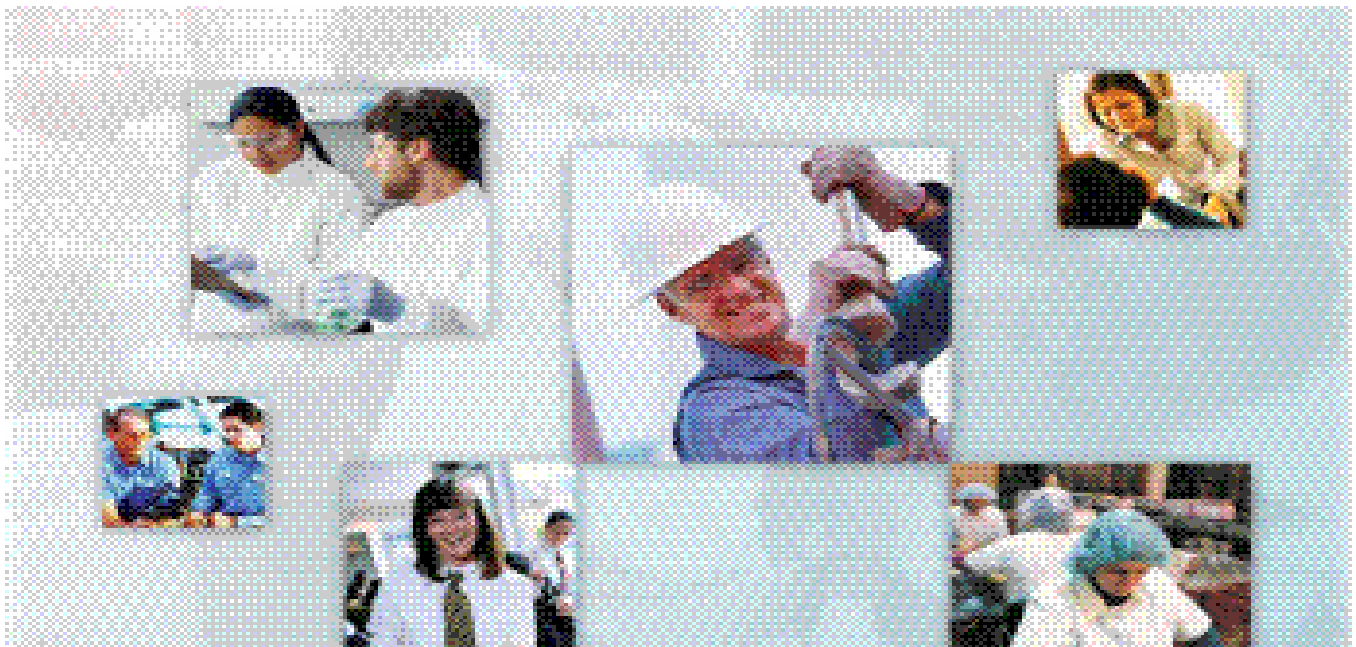


Building the Future

of Nova Scotia's Workplace Safety and Insurance System

Quarterly Performance Report to the WCB Board of Directors

Quarter Ending December 31, 2005



Final report prepared: February 22, 2005

For the March 2006 Board of Directors meeting

TABLE OF CONTENTS

TABLE OF TABLES.....	1
EXECUTIVE SUMMARY.....	3
WSIS STRATEGIC PLAN INITIATIVES - PROGRESS TO DATE.....	5
COMPLIANCE WITH STATUTORY REQUIREMENTS.....	8
WSIS PERFORMANCE MEASURES.....	15
APPENDIX 1 - WORKERS' ADVISERS PROGRAM DETAILED REPORT.....	22
APPENDIX 2 – WORKERS' COMPENSATION APPEALS TRIBUNAL DETAILED REPORT.....	31
APPENDIX 3 – OHS DIVISION, NOVA SCOTIA DEPARTMENT OF ENVIRONMENT AND LABOUR DETAILED REPORT	37
APPENDIX 4 – WORKERS' COMPENSATION BOARD DETAILED REPORT	43

TABLE OF TABLES

Table 1 Time-Loss Injuries (from WCB Performance Report)	19
Table 2 Number of Fatalities (from OH&S Performance Report)	19
Table 3 Number of Appeals Received (from WCB & WCAT Performance Report)	19
Table 5 Timeliness of Internal Appeal Decisions (from WCB Performance Report)	20
Table 6 % Return-to-work at 100% pre-injury earnings (from WCB Performance Report) 20	
Table 7 Client Satisfaction with Service (from WAP & WCB Performance Reports)	20
Table 7: Case Summary Statistics	22
Table 8: Service Waiting Time Local Offices	24
Table 9: Service Waiting Time Out of Town	24
Table 10: Client Count by County	25
Table 11: Program Statistics	26
Table 12: Resource/Early Assistance	26
Table 13: WAP Expenditures	28
Table 14: Appeals Received Volume by Month	33
Table 15: WCAT Decisions Rendered by Month	33
Table 16: Appeals Outstanding at Month End	33
Table 17: Timeliness to Decision (Months)	33
Table 18: Average Days to Decision	34
Table 19: WCAT Appeal Decisions by Outcome	34
Table 20: Decisions Rendered by Mode of Hearing	34
Table 21: Decisions by Appellant Type	35
Table 22: Worker Representation	35
Table 23: Financial Information	35
Table 24: Detailed Financial Information	36
Table 25 - Workplace Fatalities in NS	37
Table 26 – OH&S Division Activity By Type	37
Table 27 - Orders Issued Broken Down By Law	38
Table 28 – Full Form Prosecutions Initiated and SOTs issued and decided	38
Table 29 – Full Form Prosecution Outcomes (individual charges)	39
Table 30 - Additional Tracked Activities and Statistics	39
Table 31 - Outcomes and Outcome Measures	40
Table 32 – Complaints and Inquiries Received	40
Table 33 – OH&S Internet Tracking Statistics	40
Table 34 – OH&S Toll-Free calls received	40

Table 35- Financial Summary	41
Table 36 - Client Satisfaction with Email Question / Answer Service.....	41

EXECUTIVE SUMMARY

WORKPLACE SAFETY AND INSURANCE SYSTEM (WSIS) QUARTERLY REPORT – QUARTER ENDING DECEMBER 31, 2005

As identified in Government's Response to the Dorsey Report (and subsequently the Workplace Safety and Insurance System Strategic plan), the System agencies will "provide reports to the WCB Board of Directors on a quarterly basis to update and get feedback from the Board on issues and results" (Nova Scotia Workers' Compensation Program Response Plan pg. 3, WSIS strategic plan pg. 23).

This quarterly report includes information covering the period October 1 – December 31, 2005 from all agencies – the Workers' Compensation Board, Workers' Compensation Appeals Tribunal, Workers' Advisers Program, and Occupational Health and Safety Division of the Department of Environment and Labour. Detailed agency reports are attached as appendices, for your information.

In addition to the detailed agency reports, this report includes an update on the implementation of the System Strategic Plan, an update on agency compliance with the Act, and a summary of data on key indicators for the System that are identified in the Strategic Plan.

REPORT HIGHLIGHTS

System Strategic Plan Implementation: All System Strategic Plan initiatives that were scheduled to begin by September 30, 2005 are underway and on schedule. The new delivery model for Return-to-Work was rolled out in September 2005 and monitoring began in Q3 2005.

WSIS Performance Measures: Data on key indicators for the System have been summarized from the agency detailed performance reports. The available data for these indicators are provided below:

Injury Rate – In prior editions of this report, injury frequency (number of time loss claims per 100 person years of employment) was calculated using the date a claim was opened. The calculation is revised and now uses injury date as we believe this more accurately reflects the frequency of workplace injuries in Nova Scotia. The latest data available is for year-end 2005 and the injury rate is 2.87, well below the year-end target of 2.92.

Fatalities – For the quarter ending December 2005, there were 6 workplace fatalities (3 covered by WCB and 3 not covered) in the province. Results for the same quarter last year totaled 3 workplace fatalities. For 2005, there were 23 workplace fatalities, compared to a total of 27 workplace fatalities for all of 2004.

Number of Appeals – Appeal volumes received continued on a downward trend for WCAT where appeals received from October - December decreased 45% compared to the same quarter last year. Overall for 2005, the volume of appeals received by WCAT is down by 27%. As well, total appeals received at Internal Appeals for all of 2005 have decreased 4% over 2004 volumes. It is important to note that, from January to October 2005, Internal Appeals had been tracking with a more significant decrease than 4% but from October to December 2005, monthly appeal volumes doubled as a result of chronic pain appeals (resulting in the 60% increase from Q4 2005 over Q4 2004). The current volume resulting from the additional chronic pain appeals will likely continue into 2006.

Timeliness of Internal Appeal Decisions – WCB timeliness of internal appeals decisions has exceeded the 95% target with 100% of paper review decisions issued within 90 days of receipt of the appeal.

Client Satisfaction – For the quarter ending December 31, 2005, 88% of injured workers were satisfied with being treated fairly by WCB staff. WAP's survey of injured workers showed that 94.12% of WAP clients "strongly agreed" or "agreed" that the service provided by the Program staff satisfied their requirements.

A number of other significant developments for the System occurred during this period including:

WAP continues to monitor the waiting time for service on a monthly basis. The target remains as 2-4 weeks. Subject to delays requested by the worker or extraordinary circumstances, WAP has been able to maintain a reasonable wait for service that is well within this range. The provincial average is 2.6 weeks.

For WCAT, 72% of appeals during the last quarter were resolved within six months. The average number of days to decision was 170.

The number of complaints for the OHS Division decreased 7% from 3rd quarter to 4th quarter and the number of inquiries decreased 15%.

The Issue Resolution committee, comprised of representatives of the WCB/WAP/WCAT, continues to meet on a monthly basis. This committee focuses on the sharing of information, raising process issues, and exploring joint training ventures. The committee has completed the first phase of a project to develop a training tool to be used by all adjudicators in an effort to improve consistency within the system.

As a result of the meeting with stakeholders on Nov. 30, 2005 regarding a System Navigator, a stakeholder sub-working group has been created to further examine the issue into 2006.

WSIS STRATEGIC PLAN INITIATIVES - PROGRESS TO DATE

<u>Initiatives</u>	<u>Timeline</u>							<u>Progress</u>
Goal: To improve outcomes for workers and employers								
		<u>2005</u>			<u>2006</u>			
Prevention Initiatives	Ref. Pg*	Q3	Q4	Q1	Q2	Q3	Q4	
Social Marketing Campaign	10	O	O	O	O	O	O	work is underway & on schedule
Core Curriculum	11	O	O	O	O	O	O	work is underway
Youth education program	11	O	O	O	O	O	O	this is an ongoing initiative
Explore options for Certification of Trainers Program	11		O	O	O			Deferred to Q4 due to PEP implementation
Employer Account Look Up	12	O	O	O	O	O	O	Work well underway and on schedule
Develop industry support networks	12	O	O	O	O	O	O	this is an ongoing effort
Investigate experience rating range	12	O	O	O	O	O	O	Program underway
Develop new safety incentive program	12	O	O	O	O	O	O	Policy complete program to be rolled out in Q4 2005 and implemented in 2006
Develop priority employer program	12	O	C					Program development complete and program has been operationalized
Develop safety audit program	12	O	O	O	O			Criteria in final draft- reviewed in September
Develop disincentives	13	O	O	O	O	O	O	Ongoing initiative
Return to Work Initiatives								
Develop baseline measurements & set targets	15	O	O	O	O	O	O	Baseline measures & targets established based on current measurement approach. Will revisit once new RTW model is done
Develop survey tool for RTW	15					P		This will be incorporated in an overall review of the stakeholder survey in 2006
Develop strategy & train staff to educate employers	15	O	O	O	O	O	O	Work underway. Will be integrated with Prevention and RTW Redesign efforts.
Implement most effective delivery model for RTW	15	C						New model rolled out in Sept. 2005. Monitoring started in Q3 2005.
Consult stakeholders & train staff re. best practices	16	O	O	P	P			Work underway. Will be addressed in the delivery model for RTW (above). Further best practice work to occur

								later. Consultation with stakeholders started in Sept. 2005
Improve mgmt of service provider contracts	16	O	O	O	O	O	O	New physio contracts implemented in Sept. 2005. Other health care disciplines to follow.
Explore certificate in Occupational Health	16				P			not starting until 2006
Support Disability Prevention & Mgmt Course	16	O	O	O	O	O	O	Worker is underway. Primary Care Physicians trained by ACOM in June 2005.
Educate physicians on RTW	16	O	O	O	O	O	O	this is an ongoing effort

Goal: To improve service delivery

Accessibility Initiatives

Youth education program	19	O	O	O	O	O	O	this is an ongoing effort
Regional workshops	19	O	O	O	O	O	O	this is an ongoing effort
New service channels	19	O	O	O	O	O	O	this is an ongoing effort
Investigate integrated telephone inquiry service	20			P				to be investigated in Service Delivery Review
Develop single document describing System	20				P			not starting until 2006
Determine reading level of clients	20			P				Waiting for results from Dept. of Education study of Canadian Reading Levels by Prov.
Develop plan for communicating with special needs clients	21			P	P			Will be linked to Service Delivery Model review for WCB component and start in 2006

Issue Resolution Initiatives

Joint working group to explore new forms of issue resolution	22	O	O	O	O	O	O	ongoing
Develop opportunities for joint agency training	22	O	O	O	O	O	O	ongoing
Provide WAP with access to expedited services	22			P				Assigned to Issues Resolution Working Group

Initiatives**Timeline****Progress****Goal: To ensure effective governance of the System**

	Ref. Pg.	2004		2005				
		Q3	Q4	Q1	Q2	Q3	Q4	
Produce quarterly agency reports	23	O	O	O	O	O	O	1 st joint report in Nov. 03

Additional WSIS Initiatives

Governance Review – as announced by Minister of E&L	N/A	O	O	O	O	O	O	Recommendation presented at AGM. Implementation of governance principles underway
System Navigator	N/A	O	O	O	O			Meeting with stakeholders Nov. 30 2005. Sub working group created to further examine the issue in 2006

Completed WSIS Initiatives

Collaborate with Medical Society re. web-site	16							completed in 4th quarter, 2003
Organize first WSIS Annual General Meeting	25							completed in Q2, will be an annual event
Develop policy for stakeholder consultation	25							presented to BoD Q1 2004
Establish inter-agency policy forum	26							Completed in Q1 2004
OH&S Grant Program	10							Completed in Q2 2005
Establish System performance measures group	26-27							Inaugural meeting June 4/04
Create System web-site	20							Phase 1 (design of gateway pg for system) completed in Q4 2004

* Refers to the page in the System Strategic Plan where the initiative is discussed.

O = Ongoing Activity; P = Planned Activity; C = Completed Activity

COMPLIANCE WITH STATUTORY REQUIREMENTS

For any statutory program, compliance with the Act, regulations and policy is a key performance expectation. The Dorsey Report recommended that each agency in the health & safety and workers' compensation program publicly report the results of their monitoring for compliance each year. To this end, the following specifies the results of each agency's monitoring for compliance for 2005:

A. WORKERS' COMPENSATION BOARD

Statutory Requirement*	Section of the Act	Compliance
Produce an annual report and quarterly reports meeting specific requirements	s.160 & s.160A	Full Compliance
Collect sufficient assessments and maintain an adequate Accident Fund (as defined)	s.115 & s.116	Compliant. However the WCB's unfunded liability situation puts us at risk to meet the paying of future claims.
Notify employers of assessment rates by Sept. 1 each year.	s.123 & s.125	Full Compliance
Establish (and maintain) an experience rating program	s.121(7)	Full Compliance. An experience rating program was implemented in 1996.
Appoint an external auditor to audit the Board's accounts	s.175	Full Compliance. Ernst & Young LLP are the external auditors for the WCB.
WCB offices to be located in Halifax (HQ) and Sydney	s.170	Full Compliance. The WCB has offices in both Halifax & Sydney.
The Board shall pay a grant in lieu in respect of any real property exempt from taxation	s.171(4)	Full Compliance
Make specific pension contributions regarding staff and Board of Directors members	s.173(3)	Full Compliance
Make available to the public all Policies adopted by the Board of Directors	s.183(4)	Full Compliance. WCB policy manual is available on the WCB's web site
Keep separate accounts for every class, subclass or employer and every fund established by the Board	s.119	Full Compliance
All expenses shall be paid out of the accident fund	s.177	Full Compliance
No release of information unless in accordance with the <i>Freedom of Information and Protection of Privacy Act</i>	s.192	Full Compliance
A hearing officer shall render a decision on an appeal within 60 days of completion of the hearing	s.197(8)	Full Compliance

* these represent key statutory requirements of the WCB

B. WORKERS' ADVISERS PROGRAM

Statutory Requirement	Section of the Act	Compliance
The Chief Worker Adviser shall establish a head office for the Program in the City of Halifax and shall establish other offices in other parts of the Province where the number of appeals before the Board or the Appeals Tribunal by workers who reside in a part of the Province warrant the establishment of another office.	s.263	Full Compliance
The Chief Worker Adviser shall make an annual report on the finances and operation of the Program to the Minister.	s.268	Full Compliance
No person shall be provided with advice or representation in connection with a claim for compensation...until a claim has been denied.	s.270(2).	Full Compliance
...assistance, advice and representation under the Program may be provided to a worker where there is a reasonable expectation of success in the matter and of recovery of no less than \$500.	Workers' Adviser Program Eligibility Regulations, s.2(1)	Full Compliance

C. WORKERS' COMPENSATION APPEALS TRIBUNAL

Statutory Requirement	Section of the Act	Compliance
The Tribunal shall determine its own procedures...	s. 240(1)	Full Compliance, see WCAT Practice Directions at www.gov.ns.ca/wcat
The Appeals Tribunal shall notify the Board that an appeal has been filed and provide the Board with as list of the issues raised by the appeal.	s.243(2)	Full Compliance
A decision of the Appeals Tribunal shall be communicated to the participants in writing.	s.246(2)	Full Compliance
...the Appeals Tribunal shall decide an appeal within 60 days of completion of the oral hearing or, where no oral hearing is held, the date on which all submissions ...have been received [unless appeal is postponed pursuant to s. 247 or s.251]	s.246(3)	Full Compliance

Statutory Requirement	Section of the Act	Compliance
The Appeals Tribunal shall issue a decision clearly stating the determination of the Appeals Tribunal on the appeal and shall state the reasons for the decision as briefly as possible without undue elaboration.	s. 252A	Full Compliance.
The oral evidence given before the Appeals Tribunal at a hearing shall be recorded... Recordings...shall be kept by the Appeals Tribunal for a period of two years...	s.253(1),(2)	Full Compliance
The Chief Appeal Commissioner shall make an annual report to the Minister of Justice within 90 days of the fiscal year end of the Appeals Tribunal respecting the operations and transactions of the Appeals Tribunal during the year.	s.257(1)	Full Compliance

D. OHS DIVISION, NS DEPT OF ENVIRONMENT AND LABOUR

(1) Department Compliance with the Occupational Health and Safety Act

Statutory Requirement	Section of the Act	Compliance
The Division shall be concerned with and maintain reasonable standards	s. 9(a)	Full Compliance
The Division shall prepare and maintain statistics	s. 9(b)	Full Compliance
The Division shall provide assistance	s. 9(c)	Full Compliance
The Division shall promote or conduct studies and research	s. 9(d)	Full Compliance
The Division shall encourage and conduct educational programs	s. 9(e)	Full Compliance
The Division shall submit an annual report to the OHS Advisory Council	s. 9(f)	Full Compliance
Recover percentage of costs from WCB	s. 10	Full Compliance
Appoint personnel	s. 11(1)	Full Compliance
No personnel with employment conflict appointed	s. 11(4)	Full Compliance
Appoint OHS - Advisory Council	s. 24(2)	Full Compliance
OHS – Advisory Council with equal representation for employer and employee stakeholders	s. 25(2)	Full Compliance

Statutory Requirement	Section of the Act	Compliance
The Director shall determine the size of the committee; designation of employees to be members; or rules of procedure where agreement cannot be reached	s. 30	Not invoked during this period
Duty of the officer to provide certain information	s. 36	Full Compliance
Investigate work refusals	s. 43(1)(c)	Full Compliance
Investigate discriminatory action complaints and provide order or decision	s. 46(2)	Full Compliance
Seizure or removal of evidence	s. 48	Full Compliance
Officer shall endeavour to consult with a reasonable number of employees during the inspection.	s. 50	Full Compliance
Provision of written decision or order where requested	s. 54	Full Compliance
Provision of written order following an oral order	s. 55(2)	Full Compliance
Specify time within which an order has to be complied with	s. 56(2)	Full Compliance
Protect confidential business information	s. 61(3)	Full Compliance
Protect medical information	s. 62(1)	Not invoked during this period
Protect information provided in confidence	s. 62(2)	Full Compliance
Director will consider appeals	s. 67(3)	Full Compliance
Director to provide copies of decision to parties	s. 67(9)	Full Compliance
Minister to seek recommendations from employer and employee representatives in establishing a pool of Appeal Panel members	s. 68(1)	Full Compliance
Minister to designate an Appeal Panel to hear an appeal	s. 68(3)	Full Compliance
Deputy Minister to provide notice of appeal to Appeal Panel members	s. 69(5)(a)	Full Compliance
Appointed Appeal Panel to hold hearing	s. 69(5)(b)	Full Compliance
Appeal Panel Chair to provide copies of decision to parties	s. 69(10)	Full Compliance
Monies to be held "In Trust"	s. 72(6)	Not invoked during this period
"In Trust" monies to be paid	s. 72(7)	Not invoked during this period
Procedures to follow where power to arrest utilized	s. 73(1), (2), (3)	Not invoked during this period
Prosecution initiated within two years	s. 79	Full Compliance
Sunset clause provisions	s. 82(1A), (1B), (1C)	Not Proclaimed
Requirements related to deviation decision	s. 83(10)	Full Compliance

Director to provide copies of decision to parties	s. 83(12)	Full Compliance
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(2a) Legal Requirement from Regulations

Legal Requirement from Regulations	Section	Compliance
Appeal Panel Regulation Requirements		
Appeal office shall identify to the Minister the selected chair and members	5	Full compliance
Where parties to an appeal agree on having one person hear the appeal the appeal office shall provide that information to the Minister	5	Not invoked during this period
The appeal office shall assist the selected chair in scheduling the hearing and communicate the date and location of the hearing	6	Full compliance
The appeal office shall identify a selected chair from the list of persons established pursuant to the Act for the purpose of chairing an appeal panel.	7	Full compliance
The appeal office shall identify two selected members for an appeal panel, one representing employers and one representing employees	8	Full compliance
The appeal office will inform the Minister of the availability of the selected members, and prepare an appointment letter for consideration by the Minister, and the Minister shall designate an appeal panel to hear the matter	9	Full compliance
The appeal office to maintain a record of the decision-making process for possible future submission to the court	13	Full compliance
Disclosure of Information Regulation Requirements		
Where a denial of a request by health professional is referred to the Director, the Director shall forthwith inform the employer, supplier or manufacturer who denied the request, of the referral and shall give the health professional and the employer, supplier or manufacturer who denied the request a reasonable opportunity to make representations	10	No review completed during period
Director shall receive representations and ensure confidentiality; any other information and representations submitted to the Director shall not be open to or made available to the public or any other person.	11	No review completed during period
General Blasting Regulation Requirement		
Director shall issue the certificate to the blaster.	21	Full compliance

Occupational Health Regulation Requirements		
Legal Requirement from Regulations	Section	Compliance
Officer to issue a Notification Order where it can be shown an occupational health hazard exists and the employer has been advised of the hazard, its extent and implication.	7	No notification order issued during period
Notification Order to be in writing	7	No notification order issued during period
Officer to report facts to Director if compliance with notification orders has not occurred	8	No notification order issued during period
Compliance Order referred shall be in writing; record that the employer is in violation of these regulations; record that a Notification Order has been issued; specify a period of time within which the employer shall be required to remedy the hazardous situation	8	No compliance order issued during period
Radiation Emitting Devices Regulation Requirements		
Radiation Health Officer shall make a recommendation to the Minister with regard to the issuing of a registration for an ionizing device	3.6	Full compliance
Radiation Health Officer notifies owner of any condition which contravenes the provisions of the regulations, or is inconsistent with good operating practices	6.1	Full compliance
Underground Mining Regulation Requirements		
Director must review information in a timely manner	58	No review completed during period
Director must notify the employer when the review is complete and the notice must state the cost of the review	58	No review completed during period

(2b) Client Compliance: The Internal Responsibility System checklist results revealed the following statistics:

No. of workers	Internal Responsibility System Measure	March 04 (% Yes)	2004 Overall (% Yes)	2003 (% Yes)
1-4	Does the information available at the workplace meet the requirements of the Act?	28	28	41

5-19	Does the information available at the workplace meet the requirements of the Act?	48	48	39
	Does the safety policy meet the requirements of the Act?	43	43	19
20+	Does the information available at the workplace meet the requirements of the Act?	70	70	39
	Does the safety policy meet the requirements of the Act?	67	67	39
	Does the safety committee meet the requirements of the Act?	74	74	23
	Are the Functions of Committees fulfilled?	70	70	19
	Does the safety program meet the requirements of the Act?	59	59	29

WSIS PERFORMANCE MEASURES

Please note this section is a 'work in progress'. Enhancements will be made once the System Goals Advisory Committee completes their work regarding measurement recommendations.

The System Performance Measures Advisory Committee (SPMAC) completed its recommendation regarding System Performance Measures in August 2005. As a follow-on to this work, the System Goals Advisory Committee has been formed to determine implementation plans and timelines for reporting on these new system performance measures. This work is being done in collaboration with the Heads of Agencies and will be reported on in 2006 as soon as implementation plans have been finalized.

The following table outlines the system performance measures recommended by the SPMAC:

<i>Proposed Measure</i>	<i>Description of Recommendation</i>	<i>Existing/New?</i>	<i>Status</i>
Goal #1: To improve outcomes for workers and employers			
% RTW	<ul style="list-style-type: none"> • Intention: drive timely and accurate decisions and appropriate injury-related treatment • RTW efforts may result in 3 distinctive outcomes: (1) full success, (2) partial success, (3) no success • "Full success" = return to same employer, same position, working same number of hours as pre-injury, earning same salary/pay, safely for worker and co-workers • "No success" = no return to work in any capacity • "Partial success" = a state falling between "full" and "no" success • Conduct measurement at 2 points in time: (1) at termination of claim, as a measure of "initial success"; (2) at an interval of time after claim termination (interval to be determined) as a measure of "long-term success" 	New	WCB Development of % RTW at 100% pre-injury earnings is complete (see Table 6 below)
Injury rate	<ul style="list-style-type: none"> • Adoption of current WCB measure 	Existing	See Table 1 below
Injury reporting	<ul style="list-style-type: none"> • Comprised of 2 measures: • (1) Injured worker confidence in reported injury rate – determined based on surveyed stakeholders' answer to the question "Stakeholders agree that all workplace injuries are reported" 	New	Analysis in progress (Heads of Agencies Committee)

Proposed Measure	Description of Recommendation	Existing/New?	Status
	<ul style="list-style-type: none"> (2) % of injuries reported other than by the employer – determined by looking at and comparing the number of injuries reported by the employer versus other sources (injured worker, PCP, etc.) 		
Duration	<ul style="list-style-type: none"> Adoption of current WCB measure 	Existing	
Stakeholder satisfaction index	<ul style="list-style-type: none"> Would be calculated based on data obtained through questions addressing various aspects of satisfaction, including with return-to-work results, service delivery, issue resolution, the System’s accountability structure, the stakeholder consultation process and system performance measurement 	New	Analysis in progress (WCB)
Awareness	<ul style="list-style-type: none"> Stakeholder awareness - of their rights, responsibilities, human and financial value of injury prevention, safe and timely return to work, key issues that disable the System from performing effectively and efficiently 	New	Analysis in progress (Heads of Agencies Committee)
Average PMI/PIB	<ul style="list-style-type: none"> Assumes PMI/PIB as a sign of injury severity 	Existing	Analysis in progress (Heads of Agencies Committee)
% of labour force covered by the Workers’ Compensation Act	<ul style="list-style-type: none"> Current legislation results in the exclusion of a number of employers having to contribute to the workers’ compensation system; in turn, employees of those employers are not covered 	New	Analysis in progress (Heads of Agencies Committee)
Prevention initiative effectiveness	<ul style="list-style-type: none"> The purpose of this measure is to promote the cross-polinization of OHS and WCB resource alignment and cooperation, and the sharing of prevention-related employer information. This is a brand new measure, and work is still needed to understand what exactly would be measured. 	New	Analysis in progress (Heads of Agencies Committee)
Goal #2: To improve service delivery			
Timeliness of resolution – injuries	<ul style="list-style-type: none"> Calculated as time lapse between start date and resolution date “Start” date = date of injury “Resolution” date = (1) Board’s final decision; (2) at end of the appeal process (if applicable) Further breakdown should be calculated within each instance 	New	Analysis in progress (Heads of Agencies Committee)

Proposed Measure	Description of Recommendation	Existing/New?	Status
	to distinguish special populations (i.e. CP)		
Timeliness of resolution – OHS department incident	<ul style="list-style-type: none"> Calculated as the time lapse between start date and resolution date “Start” date = date of receipt of contact with OHS where a fatality, serious injury or discriminatory action complaint or work refusal is first reported “Resolution” date = (1) OHS final decision; (2) at the end of the legal process (if applicable) 	New	Analysis in progress (Heads of Agencies Committee)
WCB decision WCAT overturns	<ul style="list-style-type: none"> Percent of WCB decisions overturned by WCAT 	New	Data available; analysis in progress (Heads of Agencies Committee)
Duration	Discussed under Goal #1		
Stakeholder satisfaction index	Discussed under Goal #1		
Awareness	Discussed under Goal #1		
Goal #3: To ensure effective governance of the System			
Stakeholder satisfaction index	Discussed under Goal #1		
Goal #4: To ensure financial sustainability of the System			
System cost per worker	<ul style="list-style-type: none"> Intended to use relative to other jurisdictions Recommends calculation for 2 populations: (1) the entire labour force, and (2) workers covered by the Workers’ Compensation Act 	New	Analysis in progress (Heads of Agencies Committee)
System cost per claim	<ul style="list-style-type: none"> Intended to use relative to other jurisdictions System costs include claims, legislative, and administrative Intended to represent the average cost of a claim processed through the entire System (not including private counsel) 	New	Analysis in progress (Heads of Agencies Committee)
Target funding date	<ul style="list-style-type: none"> Date of full funding – as per current WCB measure 	Existing	
Average actual assessment rate	<ul style="list-style-type: none"> As per current WCB measure 	Existing	
Benefit index (relative to	<ul style="list-style-type: none"> Intended to be a composite measure, comprised of 10 	New	Analysis in progress (Heads of

<i>Proposed Measure</i>	<i>Description of Recommendation</i>	<i>Existing/New?</i>	<i>Status</i>
other jurisdictions)	benefit factors; recommendation on factors and weighting included		Agencies Committee)

Currently, the agencies collect some data on key indicators for the System identified in the Strategic Plan. The available data for these indicators are provided in Tables 1 – 6.

Table 1 Time-Loss Injuries (from WCB Performance Report)

	Year-End Target	December 2005	December 2004	Variance (2005 to YE Target)
Time-loss injuries	2.92	2.87	2.96	(2%)

In prior editions of this report, injury frequency was calculated using the date a claim was opened. The calculation has been revised and now uses injury date as we believe this more accurately reflects the frequency of workplace injuries in Nova Scotia. The injury rate has remained relatively consistent through 2003 and 2004 and is currently at 2.87, well below the year-end target of 2.92.

Table 2 Number of Fatalities (from OH&S Performance Report)

Year	March 31	June 30	Sept. 30	Dec. 31	Annual Total
2005	4	6	7		17
2004	6	3	3	15	27
2003	10	3	6	3	22
2002	11	9	3	5	28

**Please note: These values were attained from a combination of WCB data, news releases and other sources in which fatalities were being reported. In terms of accuracy, we have records of additional fatalities for which there was no date specified – as such, these are not represented in these figures.*

Table 3 Number of Appeals Received (from WCB & WCAT Performance Report)

Average appeals received per month for quarter	4th Quarter 2005	4th Quarter 2004	Variance
New Appeals Received Internal Appeals	559	348	60%
New Appeals Received WCAT	99	183	(45%)

Appeal volumes received continued on a downward trend for WCAT where appeals received from October - December decreased 45% compared to the same quarter last year. As well, total appeals received at Internal Appeals for all of 2005 have decreased 4% over 2004 volumes. It is important to note that, from January to October 2005, Internal Appeals had been tracking with a more significant decrease than 4% but from October to December 2005, monthly appeal volumes doubled as a result of chronic pain appeals (resulting in the 60% increase from Q4 2005 over Q4 2004). The current volume resulting from the additional chronic pain appeals will likely continue into 2006.

Table 4 WAP Requests for Service Quarterly Totals (from WAP Performance Report)

	# Active Files	*Requests for Service + Resource Calls	Files Opened	Files Closed	Pending Files	Second Opinions Approved	# Clients Served to Date this Year
Oct/Nov/Dec Quarter							
2005	654	214+293=507	160	200	n/a	0	1276
2004	1159	205+344=549	208	291	n/a	0	1867

*Includes Requests directly to intake + calls referred to resource not forwarded to intake

Total requests for service are 8% lower than the same period in 2004 and the total number of active files at the end of the period is lower (44%). The number of files opened between September and December 2005 is 23% lower than for the same period in 2004 and the number of files closed is 31% lower. To the end of the quarter, WAP served 32% fewer clients than were served to the end of the same period in 2004.

Table 5 Timeliness of Internal Appeal Decisions (from WCB Performance Report)

	4th Quarter 2005	4th Quarter 2004	Variance	Year -End 2005	Previous Year-End	Year-End Target
Timeliness of Internal Appeals Decisions	100%	83%	17%	100%	87%	95%

Internal Appeals has exceeded the 95% target with 100% of paper review decisions issued within 90 days of the receipt of the appeal.

Table 6 % Return-to-work at 100% pre-injury earnings (from WCB Performance Report)

	Year-End Target	2005 Year-End	4th Quarter 2005	3rd Quarter 2005	Quarterly Variance
% RTW at 100% pre-injury earnings	92%	93%	91%	92%	(1%)

The WCB has exceeded the 92% target with 93% return-to-work at 100% pre-injury earnings.

Table 7 Client Satisfaction with Service (from WAP & WCB Performance Reports)

	% of clients satisfied with service provided by WAP staff*	% of clients satisfied with being treated fairly by WCB staff**
Client Satisfaction	94.12%	88%

*WAP data from WAP surveys that began in April 2003 **WCB data provided by the quarterly Injured Worker Survey

For the quarter ending December 31, 2005, 88% of injured workers were satisfied with being treated fairly by WCB staff. WAP's survey of injured workers showed that 94.12% of WAP clients "strongly agreed" or "agreed" that the service provided by the Program staff satisfied their requirements.

General Summary

(Full details for each summary are contained in the body of the Report)

Operations

The Program continues to monitor the waiting time for service on a monthly basis. The target remains as 2-4 weeks. Subject to delays requested by the worker or extraordinary circumstances, we are able to maintain a reasonable wait for service that is well within this range. The provincial average is 2.6 weeks (includes local and out of town wait times).

In accordance with s. 263 (b) we continue to monitor the caseload of the Program by County to determine if the numbers warrant an office in another area of the Province. The numbers do not warrant the opening of an additional office at this time.

Resources/Early Assistance continues to provide service to workers and others who require general information and assistance. We received 507 Resource/Early Assistance calls during this quarter with the majority of calls (188) received in November.

Financial

Budget figures ending December 31, 2005 from the Department of Finance indicate we have spent 52.23 % of our authority and 55.47% of our present forecast.

Client Operations

Surveys continue to be sent to all workers when we close their files. The Program closed 200 client files during this period and received 34 returned surveys representing 17.0% of those sent out. The return rate for the April/May/June was 20.13% and for July/August/September was 16.4%.

Of the 34 surveys returned during this quarter, 23 had a positive outcome and 11 were not successful. In general, we continue to receive detailed and valuable information. Only one returned survey contained a negative comment in relation to the services provided by the Workers' Advisers Program.

Operations

Table 7: Case Summary Statistics

	# Active Files	*Requests for Service + Resource Calls	Files Opened	Files Closed	Pending Files	Second Opinions Approved	# Clients Served to Date this Year
October:							
2005	692	51+65=116	52	54	6	0	1168
2004	1232	72+87=159	69	78	8	0	1728
November:							
2005	700	100+166=266	75	67	31	0	1243
2004	1211	62+168=230	66	87	4	0	1794
December:							
2005	654	63+62=125	33	79	10	0	1276
2004	1159	71+89=160	73	126	8	0	1867
Oct/Nov/Dec Quarter							
2005	654	214+293=507	160	200	n/a	0	1276
2004	1159	205+344=549	208	291	n/a	0	1867

*Includes Requests directly to intake + calls referred to resource not forwarded to intake

On a monthly basis, the figures listed under pending files represent requests for service that have not been assigned by the end of the month. These files do not accumulate and therefore are not reported for the quarter.

Process

Table 8: Service Waiting Time Local Offices

Intake Period	Halifax		Sydney	
	2005	2004	2005	2004
October	2.39	2.6	1.64	1.4
November	3.08	3.3	1.46	1.3
December	3.2	3.0	1.5	1.6
Average	2.9	2.9	1.5	1.4
Local Offices Average Waiting Period	Oct/Nov/Dec 2004 2.2 weeks		Oct/Nov/Dec 2005 2.2 weeks	

Table 9: Service Waiting Time Out of Town

<i>Bridgewater/Yarmouth</i>		<i>Digby/Amherst/Kentville/Truro</i>		<i>New Glasgow/Antigonish/ Port Hawkesbury</i>	
October	2.6 weeks	October	2.9 weeks	October	2.6 weeks
November	1.6 weeks	November	3.3 weeks	November	2.7 weeks
December	3.2 weeks	December	2.2 weeks	December	4.1 weeks
Quarterly Average - 2.5		Quarterly Average - 2.8		Quarterly Average - 2.8	

Average wait times for all out of town clients is 2.8 weeks.

Table 10: Client Count by County

County	Oct/05	Oct/04	Nov/05	Nov/04	Dec/05	Dec/04
Annapolis	9	25	11	22	11	18
Antigonish	7	10	8	8	8	9
Cape Breton	209	336	228	330	214	326
Colchester	15	37	12	35	9	34
Cumberland	29	49	32	47	25	51
Digby	5	17	5	16	5	14
Guysborough	4	6	7	8	7	8
Halifax	186	351	181	345	172	324
Hants	22	37	21	38	17	37
Inverness	13	13	13	12	12	11
Kings	34	67	34	65	35	63
Lunenburg	72	102	71	107	68	103
Pictou	22	63	20	67	17	63
Queens	10	14	10	15	9	13
Richmond	11	27	11	24	12	20
Shelburne	11	17	9	16	8	14
Victoria	5	15	5	15	3	14
Yarmouth	13	18	8	17	9	16
Other	15	28	14	24	13	21
Total	692	1232	700	1211	654	1159

During October, November and December 2005, the Program carried less than 60% of the files carried in 2004 during the same quarter. File audits are completed quarterly to confirm that all files carried meet eligibility criteria and have active appeals.

Table 11: Program Statistics

	Submissions/Hearings Done			New Appeals Filed		
	Court	Hearing Officer	WCAT	Court	Hearing Officer	WCAT
October						
2005	1	3	36	0	14	17
2004	0	6	39	0	17	21
2003	4	20	70	5	13	35
November						
2005	1	8	34	1	9	25
2004	1	4	42	0	20	48
2003	2	19	38	0	24	47
December						
2005	0	1	18	0	24	21
2004	*2+1	12	24	0	22	39
2003	1	12	32	0	21	63
Oct/Nov/Dec Quarter						
2005	2	12	88	1	47	63
2004	**3+1	22	105	0	59	108
2003	7	51	140	5	58	145

*2 plus 1 Chambers

**3 plus 1 Chambers

Table 12: Resource/Early Assistance

	October	November	December	Program Total
# Calls Taken	89	188	103	380
Time Recorded (hours)	24.5	54.6	39.2	118.3
Questions/Categories	#	#	#	#
General	89	188	103	380
No Written Decision	6	4	1	11
Needs More Evidence	0	0	0	0
Assist with Forms	5	43	29	77
Calls by WAP	2	2	0	4
Resolved at EA	0	0	0	0
Ancillary Issues (ie CPP/EI)	0	1	0	1
Referred to Intake	24	22	41	87
Proforma plan **	3	2	6	11

Each call may deal with multiple questions/categories

** Refers to assistance WAP could have provided had mandate and resources existed to do so.

As demonstrated in the data above, 89 calls were received in October; 188 calls in November (an increase of 211%); and 103 calls were received in December (down 45.7% from November but 15.7% higher than October). According to the Early Assistance Program (EAP) Report, the increase in calls and the timing thereof is linked to the release of chronic pain decisions by the Board.

Financial

The December 31, 2005 report provided by the Department of Finance indicate the following expenditures:

Table 13: WAP Expenditures

	2005	2004
Salaries & Benefits	\$927,520.33	\$925,854.00
Administrative	\$157,587.21	\$297,447.00
Medical Reports & Expert Fees	\$83,117.06	\$178,707.00
External Legal Fees & Disbursements	\$461.59	\$36,651.00
Consulting Fees	\$26,874.69	\$61,866.00
TOTAL	\$1,195,560.88	\$1,500,524.00
% of Authority Spent (\$2,289,000)	52.23%	65.55%
% of Present Forecast (\$2,155,400)	55.47%	69.62%

Client Satisfaction

Client Survey Results

The Program began mailing satisfaction surveys to clients with their closed file in April 2003. This practice will continue so that future results will allow us to track and address any satisfaction trends.

	October 2005	November 2005	December 2005	Total	% Return for 3 rd Quarter
Closed Files	54	67	79	200	
Returned Surveys	8	6	20	34	17.00%
Provided Comments	5	5	18	28	82.35%
Not Positive Outcome	4	2	5	11	32.35%
Negative Comments	0	0	1	1	2.94%
% Monthly Return	14.81%	8.96%	25.32%		

Although only 67.65 percent of the client's returning their survey had a positive outcome with respect to their appeal, only 1 negative comment was received (2.94%).

Specific results to our questions are as follows:

		Strongly Agree	Agree	Disagree	Strongly Disagree	Total
1. The program staff I dealt with were professional and friendly at all times.	Oct.	75.0%	12.5%	12.5%	0.0%	100%
	Nov.	100.0%	0.0%	0.0%	0.0%	100%
	Dec.	85.0%	10.0%	0.0%	5.0%	100%
% for Quarter		85.3%	8.8%	2.9%	2.9%	100%
2. In my experience, I felt the program staff had the knowledge and experience for dealing with my situation.	Oct.	50.0%	37.5%	12.5%	0.0%	100%
	Nov.	100.0%	0.0%	0.0%	0.0%	100%
	Dec.	75.0%	20.0%	0.0%	5.0%	100%
% for Quarter		73.5%	20.6%	2.9%	2.9%	100%
3. I felt the program staff did their very best to provide me with the best possible service.	Oct.	50.0%	37.5%	12.5%	0.0%	100%
	Nov.	83.3%	16.7%	0.0%	0.0%	100%
	Dec.	80.0%	15.0%	0.0%	5.0%	100%
% for Quarter		73.5%	20.6%	2.9%	2.9%	100%
		All the time	Most of the time	Sometimes	Never	Total
4. My calls were returned within 24 hours.	Oct.	62.5%	25.0%	12.5%	0.0%	100%
	Nov.	66.7%	33.3%	0.0%	0.0%	100%
	Dec.	55.0%	40.0%	0.0%	5.0%	100%
% for Quarter		58.8%	35.3%	2.9%	2.9%	100%
5. My questions were answered to my satisfaction.	Oct.	62.5%	25.0%	0.0%	12.5%	100%
	Nov.	83.3%	16.7%	0.0%	0.0%	100%
	Dec.	75.0%	20.0%	0.0%	5.0%	100%
% for Quarter		73.5%	20.6%	0.0%	5.9%	100%

Based on the above data, we can determine that **94.12%** of our clients (32/34) “**strongly agreed**” or “**agreed**” that the service provided by the Program staff satisfied their requirements.

A sample of comments contained in the returned surveys:

I am very happy with the level of courtesy and professionalism afforded me by the staff of the Workers' Adviser Program. Thank you.

Thanks to....and staff for your help and guidance as I couldn't have done this without you.

Great work – Workers' Advisers!

OVERALL RESULTS

The number of appeals received in this quarter (99) has decreased by 46% as compared to the same period last year. The number of decisions (121) rendered, however, has decreased by only 18% as compared to the same period last year. Overall parameters (appellant type, representation, appeal issue type and mode of hearing) in the third quarter of 05-06 have varied slightly from the overall results of fiscal 2004-05. As of December 31, 2005, there were 203 appeals before WCAT.

OPERATIONS (see tables 14 to 23)

- *Appeals received:* The average number of appeals received per month for the period October-December 05 was 33. This compares with 61 per month for the same period in 2004.
- *Decisions rendered:* WCAT rendered an average of 40 decisions per month in the period October-December 05. The average for the same period in 2004 was 49.
- *Appeals outstanding:* 203 appeals remained outstanding as of the end of December 05. This compares with 341 outstanding at the end of the same period in 04.
- *Timeliness:* 72% of appeals decided in the period October-December 05 were resolved within six months. For the fiscal year 2004-2005, 53% of appeals decided were resolved within the same time frame (not represented in a chart). For the period October-December 05, the average days to decision was 170.
- *Outcomes:* of the 121 decisions rendered in the past three months, 50% were accepted or accepted in part, 41% were denied and 9% resolved by other means (including appeals returned to the Hearing Officer). This compares with 47% accepted/accepted in part for the same period in 04-05.
- *Mode of hearing:* oral hearings represented 64% of decisions rendered in the period October – December 2005.
- *Decisions by appellant type:* of the 121 decisions rendered in the period October-December 05, just over 94% were filed by workers. Employers participated in 23% of worker claim appeals.
- *Worker representation:* WAP represented approximately 65% of workers, while workers were self-represented in 20% of appeals and represented outside of the WAP in 15% of appeals.
- *Issues on appeal:* recognition of claim comprised 14% of the issues decided in appeals in the past three months; new/additional temporary benefits comprised 13%; new/increased benefits for permanent impairment comprised 27% and medical aid comprised 15%. (Not represented in a chart)
- *Appeals to the Court:* As of December 31, 2005, there were 15 appeals before the Nova Scotia Court of Appeal. Five new appeals were received in the period October-December 05. This is approximately 3.3% of the volume of decisions rendered in that period. In year 04-05, the number of appeals represented 3% of decisions rendered. During the period October to December 2005, two applications for leave to appeal were denied by the Court of Appeal, one appeal to Court was

denied, one appeal was remitted back to WCB and two appeals were discontinued.
(Not represented in a chart)

FINANCE

WCAT's actual expenditures as of the end of the 3rd quarter for 05-06 (October - December 05) were within 59% of budget authority.

CLIENT SATISFACTION

WCAT has not conducted any client surveys during the period October-December, 2005.

STRATEGIC PLAN INITIATIVES

WCAT Initiatives:

WCAT has made several improvements to their internal procedures in an effort to address issues raised by the most recent worker survey. Particularly, WCAT has revised its appeal process to keep participants better informed on the progress of their appeal, whether they are represented or not. These changes will improve participants' understanding of timelines and reasons for postponements or adjournments. WCAT letters have also been revised to improve clarity and understandability.

WCAT is in the process of finalizing French translations of the Notice of Appeal form and information pamphlet which will be available on the WCAT web site.

WSIS Joint Initiatives:

WCAT, in the last quarter, has also participated in ongoing joint initiatives with partner agencies in WSIS. The appeal issues discussion group has completed the first phase of a project to develop a training tool to be used by all adjudicators in an effort to improve consistency within the system.

Table 14: Appeals Received Volume by Month

Appeals Received Volume	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Fiscal 05-06	39	41	29	44	52	56	24	41	34				360
Fiscal 04-05	47	36	76	70	55	40	53	58	72	48	36	68	659
Fiscal 03-04	70	83	94	76	97	48	81	86	87	71	42	55	890
Fiscal 02-03	85	72	71	96	65	68	80	83	129	58	61	59	927

Table 15: WCAT Decisions Rendered by Month

WCAT Decisions Rendered	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
WCAT Decisions Rendered Fiscal 05-06	58	55	44	49	35	37	44	43	34				399
WCAT Decisions Rendered Fiscal 04-05	53	53	35	45	108	174	53	40	54	65	55	48	783
WCAT Decisions Rendered Fiscal 03-04	97	83	70	69	58	43	83	60	50	24	34	56	727
WCAT Decisions Rendered Fiscal 02-03	87	79	78	83	69	57	59	78	41	58	64	78	831

Table 16: Appeals Outstanding at Month End

Appeals Outstanding at Month end	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
WCAT Outstanding 05-06	267	245	226	215	227	240	213	209	203			
WCAT Outstanding 04-05	479	460	491	510	453	317	309	325	341	319	292	302
WCAT Outstanding 03-04	365	361	378	380	411	413	406	425	457	501	501	489
WCAT Outstanding 02-03	399	386	368	372	358	361	370	363	445	437	424	398

Table 17: Timeliness to Decision (Months)

Timeliness to Decision (cumm. %)	1	2	3	4	5	6	7	8	9	10	11	12&>
WCAT Decisions Rendered 1 st Quarter	0.00%	5.06%	17.72%	37.97%	51.90%	68.99%	77.22%	82.91%	86.08%	88.61%	93.04%	100.00%
WCAT Decisions Rendered 2 nd Quarter	0.00%	5.79%	17.36%	48.76%	58.68%	70.25%	81.82%	85.95%	87.60%	90.08%	90.08%	100.00%
WCAT Decisions Rendered 3 rd Quarter	0.83%	14.88%	31.40%	49.59%	56.20%	72.73%	80.17%	86.78%	89.26%	91.74%	91.74%	100.00%
WCAT Decisions Rendered 4 th Quarter												

Table 18: Average Days to Decision

Average Days to Decision (from date received)	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2005 - 2006	184	170	174	155	168	228	161	177	173			

Table 19: WCAT Appeal Decisions by Outcome

WCAT Appeal Decisions by Outcome	Accepted	Accepted in Part	Denied	Other Disposition (RTH, S29)	Total
1 st Quarter 05-06 (April - June)	58	30	51	18	157
2 nd Quarter 05-06 (July - Sept)	37	20	44	20	121
3 rd Quarter 05-06 (Oct - Dec)	42	19	49	11	121
4 th Quarter 05-06 (Jan - Mar)					

Table 20: Decisions Rendered by Mode of Hearing

Decisions Rendered by Mode of Hearing	Oral Hearings	Paper Review	Total
1 st Quarter 05-06 (Apr - Jun)	87	70	157
2 nd Quarter 05-06 (Jul - Sep)	61	60	121
3 rd Quarter 05-06 (Oct - Dec)	78	43	121
4 th Quarter 05-06 (Jan - Mar)			

Table 21: Decisions by Appellant Type

No. of Appeal Decisions by Appellant Type	Worker Claim Appeals	Employer Claim Appeals	Employer Assessment Appeals	Section 29 Applications	Total
1 st Quarter 05-06 (Apr - Jun)	153 30 (20%)*	3	1	0	157
2 nd Quarter 05-06 (Jul - Sep)	109 29 (26.6%)*	8	3	1	121
3 rd Quarter 05-06 (Oct - Dec)	114 26 (22.8%)*	4	3	0	121
4 th Quarter 05-06 (Jan - Mar)					

*Employer participation on worker claim appeals.

Table 22: Worker Representation

WORKER REPRESENTATION	Self-Represented	WAP	Injured worker groups & others	Outside Counsel	Total
1 st Quarter 05-06 (Apr - Jun)	48	101	7	0	156
2 nd Quarter 05-06 (Jul - Sep)	25	82	7	3	117
3 rd Quarter 05-06 (Oct - Dec)	24	77	15	2	118
4 th Quarter 05-06 (Jan - Mar)					

Table 23: Financial Information

OPERATING BUDGET	Actual Expenditures	Authority	Percentage of Total
1 st Quarter 2005-06 (Apr - Jun)	\$ 239,855.00	\$1,699,000.00	14%
2 nd Quarter 2005-06 (Jul - Sep)	\$ 595,949.00	\$1,699,000.00	35%
3 rd Quarter 2005-06 (Oct - Dec)	\$1,001,358.00	\$1,699,000.00	59%
4 th Quarter 2005-06 (Jan - Mar)			

Table 24: Detailed Financial Information

	Authority		Actual Expenditures
Salaries & Benefits	\$1,265,500.00		\$816,317.00
Travel	\$57,000.00		\$17,719.00
Professional/ Special Services	\$125,000.00		\$20,102.00
Supplies & Services	\$52,500.00		\$26,629.00
Office Rent, Equipment Purchases, Dues, Taxes, Rentals	\$199,000.00		\$120,590.00
Sub Total	\$1,699,000.00		\$1,001,357.00
Less Recoveries	\$37,000.00		\$100.00
Totals	\$1,662,000.00		\$1,001,257.00

APPENDIX 3 – OHS DIVISION, NOVA SCOTIA DEPARTMENT OF ENVIRONMENT AND LABOUR DETAILED REPORT

1) Highlights

- A) Work continued on a quality management program with an expected completion date of January 31, 2006
- B) Work started on the overall workplan for the OH&S Division.
- C) Internet monitoring programs indicate that usage of the OH&S Internet site decreased dramatically in the 3rd quarter. It is uncertain if this is a real trend or a programming error. OH&S will investigate.

2) Time Intervals in Tables

With the exception of the financial tables presented in Section 4 (where data is grouped by fiscal year), all of the data displayed in this Quarterly Report is based upon the calendar year – January 1 to December 31. In many of the tables, you will see rows or columns that are entitled March, June, September and December (or shortened forms of these). These represent each of the four quarters in a year and pertain to the following time periods:

March = January 1 to March 31

June = April 1 to June 30

September = July 1 to September 30

December = October 1 to December 31

3) Operational

Table 25 - Workplace Fatalities in NS

	2003	2004	2005
Fatalities	22	27	23

**Please note: These values were obtained from a combination of reports to the OH&S Division, WCB data, news releases and other sources in which fatalities were being reported.*

A workplace fatality is counted where all of the following are met:

1. *The injury that caused the fatality occurred at a place that meets the definition of a 'workplace'*
2. *At the time of the injury that caused the fatality, the deceased was:*
 - a. *an employee of a company,*
 - b. *a self employed person, or*
 - c. *neither an employee nor a self employed person but who, at the time of the fatality, was contributing to work at the workplace*
3. *The injury that caused the fatality occurred*
 - a. *within the physical boundaries of Nova Scotia, or*
 - b. *occurred outside the physical boundaries of Nova Scotia and involves an employee of an organization or a self employed person under NS OH&S legislation at the time of the fatality.*

Table 26 – OH&S Division Activity By Type

Period	General Inspect	Re-Inspect	Targeted Inspect	Complaint	Work Refusal	Discrim Action	Incident Invest	Total
2003	1,398	515	255	765	16	45	261	3,896
2004	1,139	475	482	882	27	77	321	4,162
March	251	120	59	173	2	10	73	893
June	262	94	36	219	3	12	61	687
Sept	228	77	23	193	4	9	59	593
Dec	166	70	38	197	7	12	71	561
2005 YTD	907	361	156	782	16	43	264	2,734

Table 27 - Orders Issued Broken Down By Law

Period	OHS Act	FPSR	FAR	GBR	OHR	OSGR	TWTC R	WHMIS R	UMR	Total
2003	2096	592	795	7	27	2492	10	541	14	6574
2004	2397	627	769	34	27	2901	39	530	169	7493
Mar	569	101	161	3	2	554	1	115	2	1508
Jun	166	17	44	0	0	142	0	20	0	389
Sep	500	101	158	2	5	580	31	100	5	1482
Dec	303	79	94	8	4	361	19	46	4	918
2005 YTD	1538	298	457	13	11	1637	51	281	11	4297

Acronym Definitions for Table 3.3

OHS Act	Occupational Health And Safety Act
FPSR	Fall Protection and Scaffolding Regulations
FAR	First Aid regulations
OHR	Occupational Health Regulations
OSGR	Occupational Safety General Regulations
TWTCR	Temporary Workplace Traffic Control Regulations
WHMISR	Workplace Hazardous Materials Information System Regulations
UMR	Underground Mining Regulations

Table 28 – Full Form Prosecutions Initiated and SOTs issued and decided

Period	Full Form Prosecutions initiated (non-SOT)	SOTs Issued		SOTs Decided		
		Non Compliance with Order	No Compliance Notice	No trial Paid	Verdict = Guilty	Verdict = not Guilty or withdrawn
2003	43	NA	NA	NA	NA	NA
2004	53	10	6	5	6	3
Mar	5	2	0	0	4	0
Jun	0	2	1	0	1	1
Sep	9	0	0	2	0	0

Dec	0	0	0	0	0	0
2005 YTD	14	4	1	2	5	1

**In certain instances, the total number of SOTS decided may exceed the total # of SOTS issued for a given Quarter. This is a result of SOTS which were issued in a previous Quarter being decided in a future Quarter (in other words, the SOTS issued in a Quarter and the SOTS decided / paid in a Quarter are not always one in the same).*

Table 29 – Full Form Prosecution Outcomes (individual charges)

Period	Charges Laid	Charges Decided				Total Decided Charges
		Guilty	Not Guilty	Dismissed	Withdrawn	
2003	NA	29	0	2	29	60
2004	114	54	6	12	52	124
Mar	16	12	3	6	3	24
Jun	0	4	0	3	4	11
Sep	33	5	0	6	6	17
Dec	9	3	0	4	2	9
2005 YTD	58	24	3	19	15	61

**Note - charges laid are from prosecutions initiated in the quarter, decided charges may stem from other quarters that were decided in the current quarter.*

Table 30 - Additional Tracked Activities and Statistics

Period	Closed Orders That Went Past the Stated Compliance Date (%)	Stop Work Orders Issued	Deviation Requests	Deviations Granted	Codes of Practice Granted	Appeals Filed of Officer's Decisions or Orders	Appeals Filed of Director's Decisions or Orders
2003	47.7	129	70	28	15	20	10
2004	44.1	119	24	21	30	27	8
Mar	39.61	12	4	3	4	4	0
Jun	**	33	2	0	12	6	1
Sep	**	24	6	4	9	5	1
Dec		10	1	1	6	1	1
2005 YTD	-	79	13	8	31	16	3

** Unable to calculate due to programming issues.

Table 31 - Outcomes and Outcome Measures

Measure	Target	2003	2004	Mar	Jun	Sep	Dec	2005
Percentage of targeted inspections where an order is not issued.	Increase the Percentage from the base year (2001 - 43.5% .)	52.5	36	49.2	53.3	0		-
No. of WCB claims per 100 employees, compared to the 5-year running average.	Maintain or decrease number of claims relative to 5 year running average (7.97)	7.73	7.72	Provided Annually by WCB				
Average no. of compensable days for all new compensable time loss claims filed in the year and receiving benefits during the year, compared to the 5-year running average.	Maintain or decrease the average number of days relative to the 5-year running average (35.42)	38.2	41.01	Provided Annually by WCB				

* Data not available.

The above outcomes and outcome measures are noted in the Department's 2005/2006 Business Plan (see <http://www.gov.ns.ca/enla/pubs/docs/NSELBusinessPlan06.pdf>).

Table 32 – Complaints and Inquiries Received

	2004	Mar	Jun	Sep	Dec	2005
# Complaints Received	1170	243	317	326	304	1190
# Complaints for Which no Follow-Up Inspection was Performed (by Quarter end)	NA	59	NA	NA	NA	NA
Avg. # Days Between Receipt of Complaint and Inspection (if one is conducted) (by Quarter end)	NA	6.04	NA	NA	NA	NA
# Inquiries Received	2302	784	835	512	433	2564

Table 33 – OH&S Internet Tracking Statistics

	Total # Page Views	Total # Downloads*
2003	245,653	59,505
2004	334,937	119,934
Mar	95,319	29,737
Jun	90,394	29,991
Sep#	18,625##	5,851
Dec	**	**
2005	204,338	65,579

*The total # of Downloads figures do not include the number of OHS Act page views as we are unable to track the activity on the server where this document resides.

** Data not available due to tracking program changes.

This period corresponds to a major redesign of the OH&S Internet site.

Excludes laws due to statistics program failure.

Table 34 – OH&S Toll-Free calls received

	2003	2004	Mar	Jun	Sep	Dec	2005

OH&S Toll-Free calls received	4988	4548	900	942	996	812	3650
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December value is up until December 18, 2005.

4. Financial

* The following table showing financial data is broken down by fiscal year- April 1 to March 31 (as opposed to the calendar years used in all other tables in the report).

Table 35- Financial Summary

Business Area	2004/2005 Actual Expenditures	2005/2006 Estimate
OHS Administration	\$1,644,656	\$1,546,400
OHS Professional Services	\$964,792	\$2,103,200
OHS Inspection & Compliance Services	\$381,002	\$437,500
OHS Inspection & Compliance Services, Central	\$1,134,177	\$1,264,900
OHS Inspection & Compliance Services, Southwest	\$528,667	\$620,500
OHS Inspection & Compliance Services, Northeast	\$571,297	\$638,600
OHS Inspection & Compliance Services, Cape Breton	\$589,715	\$675,500
Blaster's Board	\$15,409	\$12,000
OHS Advisory Council	\$111,780	\$51,000
Total	\$5,941,495	\$7,349,600

5. Client Satisfaction

Table 36 - Client Satisfaction with Email Question / Answer Service

Question	Percent of maximum score				
	2004/ 2005	2003/ 2004	2002/ 2003	2001 / 2002	2000 / 2001
No. of e-mail surveys sent	95	43	131	251	220
Response rate (%)	31	63	71	41	40
The information answered my question.	83.0	82.2	86.5	86.1	83.1
The information was clear, concise and understandable.	82.9	80.7	87.0	87.1	85.5
The information was received within an acceptable time frame.	86.9	87.9	86.8	88.5	87.4
You are pleased with the service you received.	83.0	87.7	89.3	88.7	86.8
Average		84.6	87.4	87.6	85.6

* Note that not every respondent to the client satisfaction survey answers every question.

6. Strategic Plan / Business Plan

6.1 Workplace Safety and Insurance System

The Strategic Plan for the Workplace Safety and Insurance System has been accepted and is being implemented.

6.2 Occupational Health and Safety Division, Department of Environment and Labour

During the second quarter of 2005, the Division:

Completed work on:

- A) the roll-out of the Occupational Diving Regulations
- B) the public tender for the new Activity Tracking System.

Started or continued work on:

- A) a quality management program, expected to be completed in January, 2006
- B) an overall workplan for the OH&S Division. The plan will be finished in 2006
- C) amendments to the General Blasting Regulations.

APPENDIX 4 – WORKERS’ COMPENSATION BOARD DETAILED REPORT

The Workers’ Compensation Board has revised its performance reporting based on (a) a request from its Board of Directors to provide a more streamlined performance report; and (b) adjustments made to the WCB Corporate Performance Measures following the development of the WCB’s Long Term Business Plan in the spring of 2005. The newly streamlined report was put together in 2nd Quarter 2005 and provides quantitative results that support the WCB’s corporate goals and objectives as well as the goals outlined in the WSIS Strategic Plan.

4th Quarter 2005 Results

The results reported this quarter (generally data as of Dec. 31, 2005) showed good performance in a number of areas including number of time-loss injuries, % return-to-work, and timeliness of internal appeals decisions. Also, employer satisfaction has exceeded the year-end targets for all three corporate performance measures.

We have experienced a significant increase in duration in 2004 and 2005. This increase is attributed the following:

- (1) implementation of new Chronic Pain Regulations and Policies; Return-To-Work (RTW) is more complex and takes longer for these claims,
- (2) the old disability case management approach that allowed many claims to advance to the chronic stage primarily due to lack of early intervention and access to appropriate services,
- (3) lack of the services needed to assess and effectively treat chronic pain in Nova Scotia; we are still ramping up provision of these services,
- (4) the lack of collaboration between employers, workers, health care and the WCB toward a common RTW goal,
- (5) disconnection of workers from pre-injury employers resulting in more time required to execute vocational rehabilitation programs to assist workers back to work; and
- (6) long wait times for surgery.

Action: The WCB is addressing these root causes through the implementation of RTW Redesign with a primary focus on collaboration and RTW; new physiotherapy contract with accountability and outcome focus; the establishment of new services to assist in managing chronic pain; additional resources; a focused effort on resolving some of the older files where RTW is unlikely; and we are exploring options to deal with the surgery wait times.

Total appeals received at Internal Appeals for all of 2005 have decreased 4% over 2004 volumes. From January to October 2005, Internal Appeals had been tracking with a more significant decrease than 4% but from October to December 2005, monthly appeal volumes doubled as a result of chronic pain appeals (resulting in the 60% increase from Q4 2005 over Q4 2004). The current volume resulting from the additional chronic pain appeals will likely continue into 2006.

Worker satisfaction with the WCB has shown an overall decrease on all key service indicators since April 2005 and year-end results have fallen short of the targets. This downward turn can be partially attributed to the following:

- (1) Significant resource turnover in Case Management Teams due to Transition Services Team and Return-To-Work,
- (2) Heavy engagement of Client Services in RTW Redesign thus diverting focus from regular operations,
- (3) Delays resulting from learning how to deal with chronic pain have increased caseloads and negatively impacted service on all claims, and

(4) Deployment of RTW changes took longer than originally planned.

Action: The WCB is addressing this trend of dissatisfaction through (1) the implementation of RTW Redesign, including additional resources (rolled out in Sept. 2005 with implementation continuing in 2006), (2) securing new services to assist in managing chronic pain (in progress), (3) the addition of a new collective agreement clause regarding term positions which will help to reduce resource turnover (completed), and (4) refocusing operational management on operations as opposed to projects.

It is important to note that although our injured worker satisfaction year-end results have fallen short of our targets, in Q4 2005 there has been an increase in all three worker satisfaction corporate performance measures over Q3 2005. This indicates that the actions we are taking to address the trend of dissatisfaction are starting to have effect.

WCB CORPORATE OBJECTIVES HIGHLIGHTS

	Year-End Target	4th Quarter 2005	3 rd Quarter 2005	Year End 2005	Year End 2004	Variance (YE to YE Target)
Worker Satisfaction						
Treated fairly	91%	88%	86%	88%	91%	(3%)
With outcome	75%	74%	68%	71%	74%	(4%)
With employee effectiveness	74%	69%	65%	68%	73%	(6%)
Employer Satisfaction						
Treated fairly	71%	76%	73%	73%	70%	2%
With ability to answer questions	69%	77%	75%	74%	69%	5%
With employee effectiveness	34%	40%	39%	37%	35%	3%
	Year-End Target	Year-End 2005	4th Quarter 2005	3rd Quarter 2005	Quarterly Variance	
% RTW at 100% pre-injury earnings	92%	93%	91%	92%	(1%)	
	Year-End Target	December 2005	December 2004	Variance (2005 to YE Target)		
Time-loss injuries	2.92	2.87	2.96	(2%)		
Duration – Composite (days)*	106	114	104	7.5%		

* excludes Transition Services Team (TST)

OPERATIONAL PERFORMANCE HIGHLIGHTS

	4th Quarter 2005	4th Quarter 2004	Variance	Year End 2005	Previous Year-End	Year-End Target
Timeliness of First Payment	78%	80%	(2%)	81%	81%	83%
New Appeals Received	559	348	60%	1,497	1,553	n/a
Internal Appeals (Total appeals received)						
Timeliness of Internal Appeals Decisions	100%	83%	17%	100%	87%	95%